

AMENDED IN SENATE MAY 15, 1996

AMENDED IN SENATE FEBRUARY 20, 1996

**SENATE BILL**

**No. 1411**

**Introduced by Senator Johnson**

January 17, 1996

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An act to amend Section ~~5442~~ of 5440 of, and to add Section 5442.8 to, the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 1411, as amended, Johnson. Highways: outdoor advertising.

The Outdoor Advertising Act regulates the placement of advertising displays adjacent to and within specified distances of certain highways. Among other things, the act prohibits, with specified exceptions, the placement of an advertising display on property adjacent to a section of landscaped freeway.

This bill would exempt from that prohibition an advertising display used exclusively to ~~advertise retailers of goods manufactured or produced on property upon which the advertising is displayed~~ or to identify development projects, business centers, ~~retailers~~, or associations located within, ~~and~~ or sponsored by, ~~a city, county, or city and county~~ the City of Costa Mesa to support economic development activities, if the display meets specified conditions.

*The bill would set forth facts and declare that the provisions specified above constitute necessary special legislation.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 5442 of the Business and~~  
2 ~~Professions Code is amended to read:~~

3 ~~5442. Section 5440 does not apply to any advertising~~  
4 ~~structure or sign if the advertising display is used~~  
5 ~~exclusively for any of the following purposes:~~

6 ~~(a) To advertise the sale or lease of the property upon~~  
7 ~~which the advertising display is placed.~~

8 ~~(b) To designate the name of the owner or occupant~~  
9 ~~of the premises upon which the advertising display is~~  
10 ~~placed, or to identify the premises.~~

11 ~~(c) To advertise goods manufactured or produced,~~  
12 ~~retailers of goods manufactured or produced, or services~~  
13 ~~rendered, on the property upon which the advertising~~  
14 ~~display is placed.~~

15 ~~(d) To~~

16 *SECTION 1. Section 5440 of the Business and*  
17 *Professions Code is amended to read:*

18 5440. Except as provided in Sections 5441 and 5442,  
19 5442, 5442.7, and 5442.8, no advertising display shall be  
20 placed or maintained on property adjacent to a section of  
21 a freeway which has been landscaped if the advertising  
22 display is designed to be viewed primarily by persons  
23 traveling on the main-traveled way of the landscaped  
24 freeway.

25 *SEC. 2. Section 5442.8 is added to the Business and*  
26 *Professions Code, to read:*

27 5442.8. Section 5440 does not apply to any advertising  
28 structure or sign if the advertising display is used  
29 exclusively to identify development projects, business  
30 centers, ~~retailers,~~ or associations located within the  
31 jurisdiction of, and or sponsored by, a city, county, or city  
32 and county the City of Costa Mesa to support economic  
33 development activities, if all of the following conditions  
34 are met:

35 ~~(1)~~

(a) No other display is used by the city; ~~county, or city and county~~ pursuant to this ~~subdivision~~ section.

~~(2)~~

(b) The governing body of the city; ~~county, or city and county~~ has authorized placement of the display by an ordinance or resolution adopted following a duly noticed public hearing regarding the display.

~~(3)~~

(c) Placement of the display will not necessitate the immediate trimming, pruning, topping, or removal of existing trees in order to make the display visible or to improve its visibility, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement of the display.

(d) *The display does not cause a reduction in federal aid highway funds, as provided in Section 131 of Title 23 of the United States Code.*

*SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances that exist in the City of Costa Mesa. The facts constituting the special circumstances are as follows:*

(a) *Existing law prohibits certain automobile dealership malls in the City of Costa Mesa from erecting advertising signs or displays along the freeway because they are located next to a portion of the freeway that has been designated a landscaped freeway, as defined in Section 5216 of the Business and Professions Code. Other competing auto malls in Orange County, located along the same freeway but not next to a portion of the freeway that has been designated a landscaped freeway, are not prohibited from erecting those signs or displays. This situation puts those auto malls in Costa Mesa that are located next to a landscaped freeway at a serious competitive disadvantage.*

(b) *Automobile dealerships located in the auto malls in the City of Costa Mesa are the second highest sales tax*

1 generators in the city. In addition, because those  
2 dealerships employ approximately 1,000 persons, the auto  
3 malls provide other significant benefits to the city's  
4 economy. Accordingly, the City of Costa Mesa has an  
5 obligation to promote those dealerships' ability to  
6 compete with other automobile dealerships in Orange  
7 County.

8 (c) Section 2 of this act will greatly assist the City of  
9 Costa Mesa in this regard.

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